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AUG 12 2005

**FACSIMILE TRANSMITTAL SHEET**

**TO:** Examiner JOHN A. JEFFREY

**FIRM/COMPANY:** Mail Stop AF

**FACSIMILE NUMBER:** (571) 273-8300

**CONFIRMATION  
TELEPHONE:** (571) 272-4781

**FROM:** Ruth Der, Paralegal

**DIRECT DIAL:** 415.371.2231

**DATE:** August 12, 2005

**USER NUMBER:**

**FILE NUMBER:** Atty. Docket No. R0367-01003, Serial No. 10/719,448

**TOTAL # OF PAGES:** 11  
(INCLUDING COVERSHEET)

**MESSAGE:** Mr. Jeffrey, we resend the attached *Amendment And Response To Office Action Mailed 05/13/2005* due to transmitting error of the earlier *Amendment And Response To Office Action Mailed 05/13/2005* faxed to you today at 5:32 PM (EST).

**Please confirm receipt of this facsimile.**

NOTE: Original will not follow

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AUG 12 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Burbank et al.For: **IMAGEABLE BIOPSY SITE MARKER**

Serial No.: 10/719,448

Filed: November 21, 2003

Atty. Docket No.: R0367-01003

Examiner: John A. Jeffrey

Group Art Unit: 3742

TRANSMITTAL

## CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (571) 273-8300 addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Atty. John A. Jeffrey on 8/12/2005 in San Francisco, CA.

By: 

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application is

X Amendment and Response To Office Action Mailed 05/13/2005.

2. Payment of Fees

X There are no fees due with this communication. However, should the Commissioner find otherwise, the Commissioner is authorized to charge the deficiency in fees which may be required and to credit any overpayment of fees under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-01003. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,

By: 

Edward J. Lynch  
Registration No. 24,422  
Attorney for Applicants

Duane Morris LLP.  
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Spear Tower, 20th Floor  
San Francisco, CA 94105  
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
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) Examiner: John A. Jeffery

) Group Art Unit: 3742

For: IMAGEABLE BIOPSY SITE MARKER

Serial No.: 10/719,448

Filed: November 21, 2003

Atty. Docket No.: R0367-01003

AMENDMENT AND RESPONSE

TO OFFICE ACTION

MAILED 05/13/2005

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By: 

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action mailed on May 13 2005, please amend the  
above-identified application as follows:

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